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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/069,395 | 04/03/2002 | Hideki Hisada | 112061 | 3631 |
| 7590 | 02/07/2005 | | EXAMINER | |
| Oliff & Berridge PO Box 19928 Alexandria, VA 22320 | | | SMITH, TYRONE W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2837 | |

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **10/069,395**Applicant(s) **HISADA ET AL.**Examiner **Tyrone W Smith**Art Unit **2837**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/29/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments, see amendment after final, filed November 24, 2004, with respect to the references used, Koide et al (5934395), Tsuzuki et al (6018198), Yamaguchi et al (6546319), have been fully considered and are persuasive. The finality of 10/069395 has been withdrawn. Examiner submits a new non-final office action in the case.

Claim Objections

2. Claim 29 objected to because of the following informalities: Examiner request that the Applicant delete "for" in the limitation "a first electric motor for that raises an engine to a speed for an ignition". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al (6233508) in view of Itoyama et al (6253127).

Deguchi discloses a drive power control device for a hybrid vehicle, which includes a first electric motor (Figure 1 item 1) that raises an engine (Figure 1 item 2) to a speed for an ignition

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(column 2 lines 24-59); and a control unit (Figure 1 item 16) for controlling the engine and the first electric motor. However, Deguchi does not disclose the control unit controlling the first electric motor so that the cranking torque during the motoring may be a predetermined torque short of a torque necessary for running the engine continuously.

Itoyama discloses an engine start up control device and control method, which includes a control unit (Figure 1 item 16) controlling the first electric motor (Figure 1 item 1) so that the cranking torque during the motoring may be a predetermined torque short of a torque necessary for running the engine continuously. Refer to the Figure 3; abstract; column 7 lines 55-67 and column 8 lines 1-11.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Deguchi's drive power control device for a hybrid vehicle with Itoyama's an engine start up control device and control method. The advantage of combining the two would provide a system that can, after cranking the engine; the rotation speed of the engine must be quickly controlled to a target rotation speed so as to match the running state of the vehicle or the required power generation amount of the vehicle.

Allowable Subject Matter

5. Claims 1-28 allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 571-272-2075. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

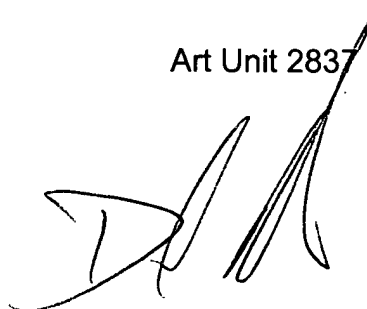
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on 571-272-2800 ext. 37. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tyrone Smith
Patent Examiner

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A handwritten signature in black ink, appearing to be 'DM', with a long, sweeping horizontal stroke extending to the left.

DAVID MARTIN
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2800